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August 10, 2009

Via ECF and OnTrac Courier

Honorable Maria-Elena James, Chief Magistrate Judge
United States District Court, Northern District
450 Golden Gate Avenue, 15TH floor
San Francisco, CA 94102

Re: Kem Dang v. City of Emeryville, et al.
Case No. C 09-00806 MHP

Dear Judge James:

Please consider this letter my request for defendant Officer Edward Mayorga to be excused from appearance at the settlement conference scheduled for August 12, 2009, at 10:30 a.m., in the above-referenced matter. I apologize for the delay in making this request. I have been out of the office for the past two weeks, a period which saw the birth of my first grandchild. I returned today to learn that Officer Mayorga has been scheduled for an all-day training session in Contra Costa County on August 12, 2009.

My office has contacted Edward S. Casey, Jr., counsel for plaintiff Kem Dang, and Mr. Casey has consented to Officer Mayorga's non-appearance. Please be assured that Officer Mayorga's absence will in no way affect any settlement disposition. Both the lead claims adjuster and the City of Emeryville's Assistant City Attorney will attend, and both will have full authority to enter any settlement agreement regardless of Officer Mayorga's presence or absence.

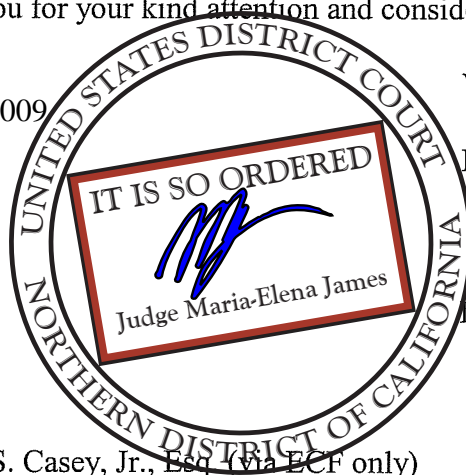
Thank you for your kind attention and consideration.

DATED: August 11, 2009

Very truly yours,

LOW, BALL & LYNCH

Dale L. Allen, Jr.



DLA/III

cc: Edward S. Casey, Jr., Esq. (via ECF only)

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